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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------|-------------|----------------------|----------------------------|------------------------|
| 09/864,302 | 05/25/2001 | Dinesh Verma | 36994-172298 | 2793 |
| 26694 7590 04/26/2007 VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998 | | | EXAMINER BOYCE, ANDRE D | |
| | | | ART UNIT 3623 | PAPER NUMBER |
| | | | MAIL DATE 04/26/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|----------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 09/864,302</p> | <p>Applicant(s) VERMA ET AL.</p> | |
| | <p>Examiner Andre Boyce</p> | <p>Art Unit 3623</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-72.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Beth Van Doren
ALI 3623
Primary Examiner

Continuation of 11. does NOT place the application in condition for allowance because:

With respect to claim 1, that Abu El Ata fails to teach an analytic hierarchy process model comprising a plurality of supportability attributes. The Examiner respectfully disagrees and submits that Abu El Ata discloses modeling of information system in a top/down approach (column 8, lines 56-63) and multiplatform system consisting of multiple layers (column 9, lines 1-5). Moreover, Abu El Ata discloses the evaluation and comparison of possible actions on different technology solutions (column 9, lines 1-5), including a plurality of layers, namely, application architecture, application implementation, operating environment, and hardware/network layers (i.e., supportability attributes, column 9, lines 23-27), thus indeed disclosing an analytic hierarchy process model comprising a plurality of supportability attributes.

Applicant also argues that Abu El Ata fails to disclose a commonality attribute. The Examiner respectfully disagrees and submits that Abu El Ata discloses an application architecture layer (column 9, lines 23-27), wherein the construction module 18 determining that an application will run on a certain type of CPU and use a specific database application (column 6, lines 63-67 and column 7, lines 1-3), thus indeed disclosing a commonality attribute.

Applicant also argues that Abu El Ata fails to disclose a modularity attribute. The Examiner respectfully disagrees and submits that Abu El Ata discloses application architecture layer (column 9, lines 23-27), wherein a library of pre-modeled components allows the information design model the evaluation of the implementation options and the best optimal architecture for a system (column 13, lines 45-51), thus indeed disclosing a modularity attribute.

Applicant also argues that Abu El Ata fails to disclose a standards based attribute. The Examiner respectfully disagrees and submits that Abu El Ata discloses operating environment layer (column 9, lines 23-27), wherein components 54 and 58 are the results of previously determined benchmarks characterized by a high level of reproducibility (column 13, lines 51-55), thus indeed disclosing a standards based attribute.

Applicant also argues that Abu El Ata fails to disclose a reliability, maintainability, testability (RMT) attribute. The Examiner respectfully disagrees and submits that Abu El Ata discloses an application implementation layer (column 9, lines 23-27), including an aging ration used to determine when the system will become inefficient due to aging effects on the information system (column 15, lines 46-51), thus indeed disclosing an RMT attribute..